NOVA SCOTIA
Environment and Labour
Environmental and Natural Areas Management Division
Environmental Assessment Branch

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Regulatory Time Frames for Environmental Assessment

The *Environmental Assessment Regulations* and the *Environmental Assessment Board Regulations*, pursuant to Part IV of the Nova Scotia *Environment Act*, set out the time frames for environmental assessment.[1]

Regulated time frames for environmental assessment ensures greater certainty throughout an assessment, provides the proponent with a clear understanding of the time it takes to complete an assessment and allows for consistent public participation.

The time frames for environmental assessment differ depending on the Class of undertaking being assessed and the amount of information required of the proponent. Where an environmental assessment is also required by other jurisdictions, the process and the time frames may be modified to allow for the effective coordination or harmonization of the environmental assessment.

At any stage of the environmental assessment, an undertaking may be referred to an alternate dispute resolution (ADR) procedure where the Minister believes an ADR technique is appropriate for the resolution of a dispute or an issue. The Minister may adjust the time limits in the regulations to accommodate the ADR.

If the undertaking is approved, the proponent must commence work on the undertaking within **2 years** of the approval.

Unless an extension is granted in writing by the Minister or the Administrator, failure of the proponent to publish a notice, provide information, submit documents or commence work on the undertaking following approval in the prescribed manner and within the prescribed time limits, is an offence and renders the registration of the undertaking pursuant to subsection 9(1) null and void.

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[1] This document is a guide only. Where the following process and time frames differ from the regulations, the regulations shall prevail.

CLASS 1 UNDERTAKINGS

An environmental assessment (EA) for a Class 1 undertaking takes **25 days** (Figure 1). The details of an EA for a Class 1 undertaking is as follows (all days are calendar days):

Registration
The proponent submits the registration document (RD) for EA Approval.

Public Notice
Within **7 days** of registering an undertaking for environmental assessment, the proponent publishes a Notice of Registration in two newspapers inviting the public to submit comments to the Nova Scotia Department of Environment and Labour (NSDEL). If there is no newspaper in the local area of the undertaking, the proponent must post the notice in a public building in the local area. Within **14 days** of registration, the proponent files copies of the newspaper notices with the Administrator.

Public and Government Comment on RD
The RD is circulated with a cover letter and contact list to various government and non-government offices. The proponent is responsible for arranging two public viewing locations in the area of the undertaking. The review period is typically **10-14 days** for both government and the general public.

Review of Comments and Preparation of Report and Recommendations
Following the deadline for receipt of comments, the EA Branch will review all comments and the RD and prepare a Report and Recommendation for the Minister's consideration.

Minister's Decision
Within **25 days** of registration, the Minister must make one of the following decisions: a) additional information is required; b) undertaking is approved; c) focus report required; d) environmental assessment report required; or e) the undertaking is rejected.

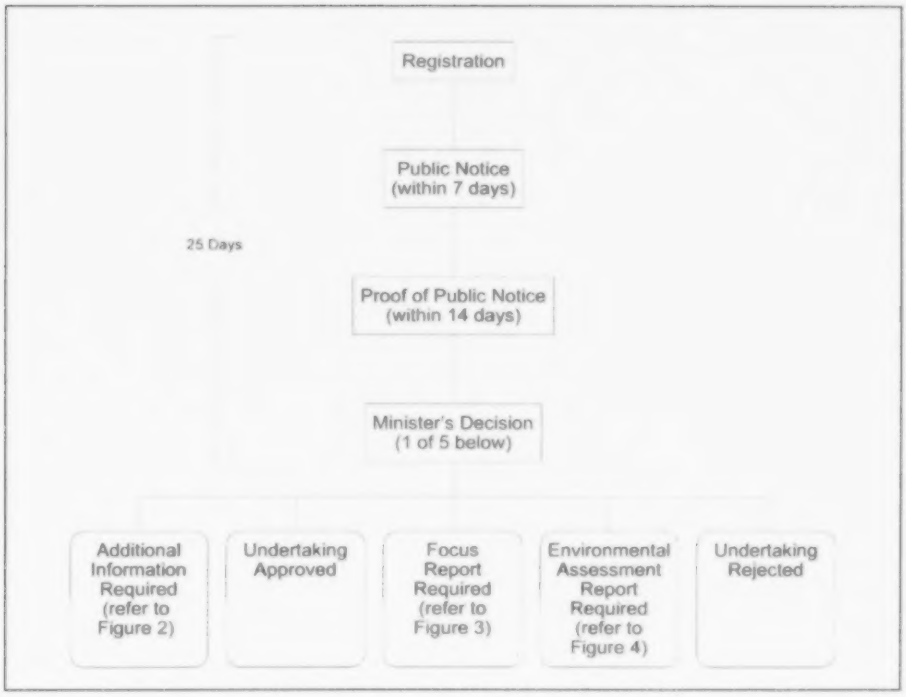

Figure 1: Steps Required During an Environmental Assessment - Class 1

Class 1 Decision - Additional Information Required

Submission of Additional Information
The proponent must submit the required information as an addendum to the original registration document (Figure 2).

Minister's Decision
Within **25 days** of receiving the required information, the Minister must make one of the following decisions: a) additional information is required; b) undertaking is approved; c) focus report required; d) environmental assessment report required; or e) the undertaking is rejected.

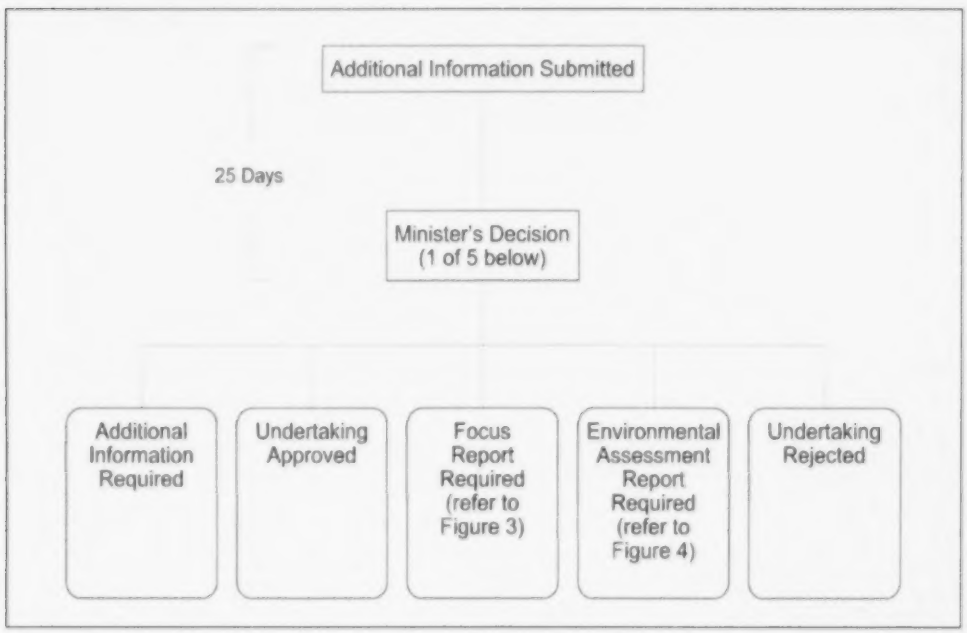
Additional Information Submitted
25 Days
Minister's Decision (1 of 5 below)
Additional Information Required
Undertaking Approved
Focus Report Required (refer to Figure 3)
Environmental Assessment Report Required (refer to Figure 4)
Undertaking Rejected

Figure 2: Additional Information Required

Class 1 Decision - Focus Report Required

Where the Minister has required a focus report be prepared, the proponent cannot commence the undertaking or any part thereof until the undertaking has been approved. The following process applies to the preparation of a focus report (Figure 3):

Terms of Reference Preparation
Within **25 days** of the Minister's decision to require a Focus Report, the EA Administrator must provide the proponent with written terms of reference for the Focus Report.

Submission of the Focus Report
The proponent has up to **1 year** to prepare the focus report and submit the required number of copies to the EA Administrator. The Minister may extend this time period if needed.

Public Notice of the Focus Report
Within **12 days** of receiving the focus report, the EA Administrator publishes a notice inviting the public to provide written comments on the focus report.

Public and Government Comments on Focus Report
Written comments regarding the focus report must be submitted to the EA Administrator within **30 days** following publication of the notice. If the Minister is in the opinion that a 30 day public comment period is insufficient, an extension may be granted.

Review of Comments and Preparation of Report and Recommendations
Within **25 days** the EA Administrator will review and provide a summary of comments received from nearby municipalities, provincial and federal governments, and the general public together with a recommendation to the Minister for a decision.

Minister's Decision
Within **14 days** of receiving the report and recommendation, the Minister must make one of the following decisions: a) undertaking is approved; b) environmental assessment report required; or c) the undertaking is rejected.

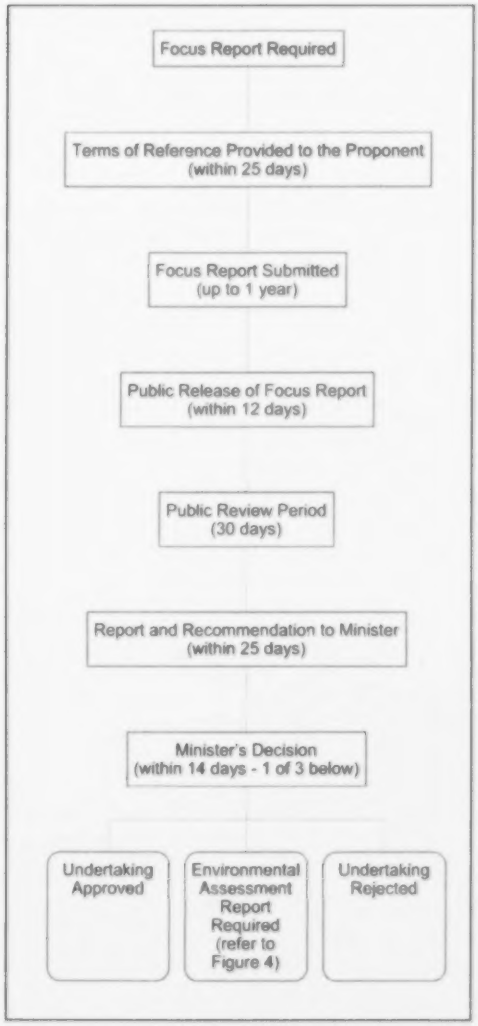
Focus Report Required
Terms of Reference Provided to the Proponent (within 25 days)
Focus Report Submitted (up to 1 year)
Public Release of Focus Report (within 12 days)
Public Review Period (30 days)
Report and Recommendation to Minister (within 25 days)
Minister's Decision (within 14 days - 1 of 3 below)
Undertaking Approved
Environmental Assessment Report Required (refer to Figure 4)
Undertaking Rejected

Figure 3: Focus Report Required

Class 1 Decision - Environmental Assessment Report Required

Where the Minister has required an environmental assessment report (EA report) be prepared, the proponent cannot commence the undertaking or any part thereof until the undertaking has been approved. The following process applies to the preparation of an environmental assessment report (Figure 4):

Notification
Within **12 days** of the Minister's decision to require an EA report, the EA Administrator publishes a notice inviting the public to submit written comments for consideration in preparation of terms of reference (TOR) for the EA Report.

Public and Government Comment on TOR
Written comments regarding the TOR must be submitted to the EA Administrator within **40 days** following publication of the notice. The EA Administrator considers comments from the public, nearby municipalities, provincial and federal government departments, any affected cultural community, and the proponent when preparing the final terms of reference.

Proponent Response
Within **5 days** after the expiration of the public comment period, the proponent is provided with copies of the received comments and has **21 days** to respond to the comments received on the TOR.

Issue Final TOR
Within **14 days** of the final date for written response from the proponent, the EA Administrator provides the proponent with the final terms of reference for the EA Report.

EA Report Preparation
The proponent has **2 years** from the time when the TOR is issued to submit a draft EA Report. The Minister may extend this time period by **1 year.**

Review of Draft EA Report
Within **12 days** of receiving the final draft EA Report, the EA Administrator advises the proponent that the EA Report satisfies or does not satisfy the requirements of the TOR. If the report is deficient, the proponent must submit the additional information, which is reviewed for another **12 days**.

Submission of EA Report
Within **30 days** of the draft EA Report being accepted, the proponent must provide the number of copies of the EA Report specified by the EA Administrator. The EA Administrator may extend this time limit.

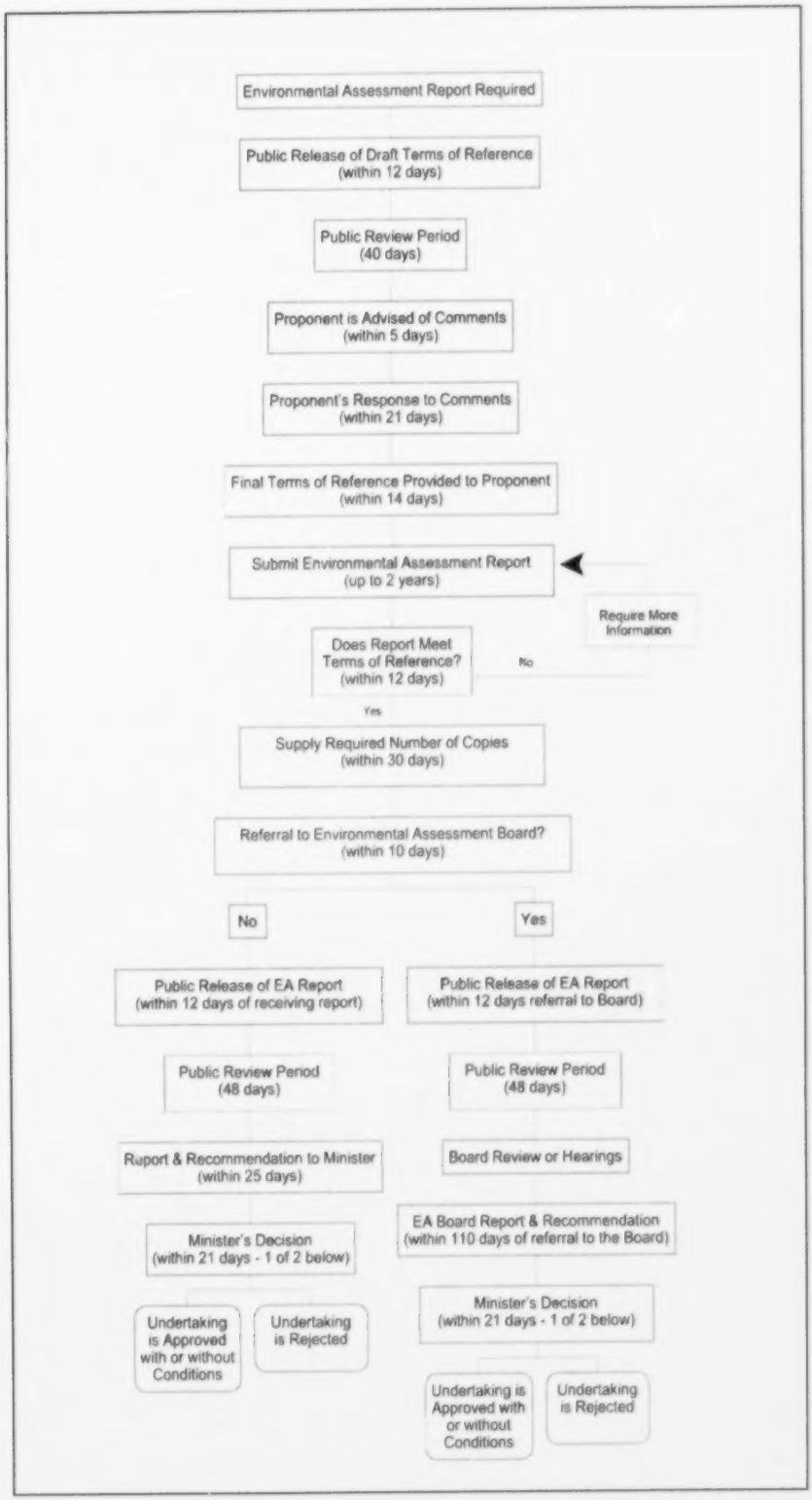
Environmental Assessment Report Required
Public Release of Draft Terms of Reference (within 12 days)
Public Review Period (40 days)
Proponent is Advised of Comments (within 5 days)
Proponent's Response to Comments (within 21 days)
Final Terms of Reference Provided to Proponent (within 14 days)
Submit Environmental Assessment Report (up to 2 years)
Require More Information
Does Report Meet Terms of Reference? (within 12 days)
No
Yes
Supply Required Number of Copies (within 30 days)
Referral to Environmental Assessment Board? (within 10 days)
No
Yes
Public Release of EA Report (within 12 days of receiving report)
Public Release of EA Report (within 12 days referral to Board)
Public Review Period (48 days)
Public Review Period (48 days)
Ruport & Recommendation to Minister (within 25 days)
Board Review or Hearings
Minister's Decision (within 21 days - 1 of 2 below)
EA Board Report & Recommendation (within 110 days of referral to the Board)
Undertaking is Approved with or without Conditions
Undertaking is Rejected
Minister's Decision (within 21 days - 1 of 2 below)
Undertaking is Approved with or without Conditions
Undertaking is Rejected

Figure 4: Environmental Assessment Report Required

Referral to the Environmental Assessment Board (EA Board)
Within **10 days** of receiving the required number of copies of the EA Report, the Minister must decide whether or not to refer the report to the EA Board.

EA Report Not Referred to the EA Board

Public Notice of the EA Report
When the environmental assessment report is not referred to the EA Board, the EA Administrator has **12 days** after receiving the EA Report to publish a notice inviting the public to submit written comments.

Public and Government Comment on the EA Report
Written comments regarding the EA Report must be submitted to the EA Administrator within **48 days** following publication of the notice. The Minister may extend the review period if necessary.

Review of Comments and Preparation of Report and Recommendation
Within **25 days** the EA Administrator will review and provide a summary of comments received from nearby municipalities, provincial and federal governments, and the general public together with a recommendation to the Minister for a decision. The Minister may extend the review period if necessary.

Minister's Decision
Within **21 days** of receiving the report and recommendation from EA Administrator, the Minister advises the proponent in writing whether the undertaking is approved, approved with conditions, or is rejected.

EA Report Referred to the EA Board

EA Board Public Hearings or Review
The EA Board must conduct a public hearing or review of the proposed project. Within **12 days** of the referral, the Board Administrator will publish a notice announcing the release of the report to the public and will invite the public to provide written comments to the Board Administrator within **48 days** following publication of the notice. The Minister may extend the 48 day review period.

The Board may also decide to conduct a hearing to:

a) receive submissions and comments from any interested party;
b) to ask questions and seek answers respecting the environmental effect of an undertaking; and
c) to provide information which will assist the hearing panel in the preparation of its report and recommendations to the Minister.

The Environmental Assessment Board Regulations outline the hearing procedures and process. The EA Board has **110 days** from the referral of the EA Report to the EA Board to submit a Report and Recommendation to the Minister.

Minister's Decision
Within **21 days** after receiving the Report and Recommendation from the EA Board, the Minister advises the proponent in writing whether the undertaking is approved, approved with conditions, or is rejected.

CLASS 2 UNDERTAKINGS

A Class 2 environmental assessment can take as long as **275 days**, not including additional time that the proponent will require for report preparation (Figure 5). The details of the Class 2 EA process are as follows (all days are calendar days).

Registration
The proponent submits the registration document for EA Approval.

Notification
Within **12 days** of the project registration, the EA Administrator publishes a notice inviting the public to submit written comments for consideration in preparation of terms of reference (TOR) for the EA Report.

Public and Government Comment on TOR
Written comments regarding the TOR must be submitted to the EA Administrator within 40 **days** following publication of the notice. The EA Administrator considers comments from the nearby municipalities, provincial and federal government departments, any affected cultural community, and the proponent when preparing the final terms of reference.

Proponent Response
Within **5 days** after the expiration of the public comment period, the Administrator will advise the proponent of any comments received on the TOR. The proponent has **21 days** to respond to the comments received.

Issue Final TOR
Within **14 days** of receiving the response from the proponent, the EA Administrator provides the proponent with the final terms of reference for the EA Report.

EA Report Preparation

The proponent has **2 years** from the time when the TOR is issued to submit a draft EA Report. The Minister may extend this time period by **1 year.**

Review of Draft EA Report

Within **12 days** of receiving the final draft EA Report, the EA Administrator advises the proponent that the EA Report satisfies or does not satisfy the requirements of the TOR. If the report is deficient, the proponent must submit the additional information, which is reviewed for another **12 days**.

Submission of EA Report

Within **30 days** of the draft EA Report being accepted, the proponent must provide the number of copies of the EA Report specified by the EA Administrator. The EA Administrator may extend this time limit.

Referral to the Environmental Assessment Board (EA Board)

Within **10 days** of receiving the required number of copies of the EA Report, the Minister refers the report to the EA Board.

EA Board Public Hearings or Review

The EA Board must conduct a public hearing or review of the proposed project. Within **12 days** of the referral, the Board Administrator will publish a notice announcing the release of the report to the public and will invite the public to provide written comments to the Board Administrator within **48 days** following publication of the notice. The Minister may extend the 48 day review period.

The Board may also decide to conduct a hearing to:

a) receive submissions and comments from any interested party;
b) to ask questions and seek answers respecting the environmental effect of an undertaking; and
c) to provide information which will assist the hearing panel in the preparation of its report and recommendations to the Minister.

The Environmental Assessment Board Regulations outline the hearing procedures and process. The EA Board has **110 days** from the referral of the EA Report to the EA Board to submit a Report and Recommendation to the Minister.

Minister's Decision

Within **21 days** after receiving the Report and Recommendation from the EA Board, the Minister advises the proponent in writing whether the undertaking is approved, approved with conditions, or is rejected.

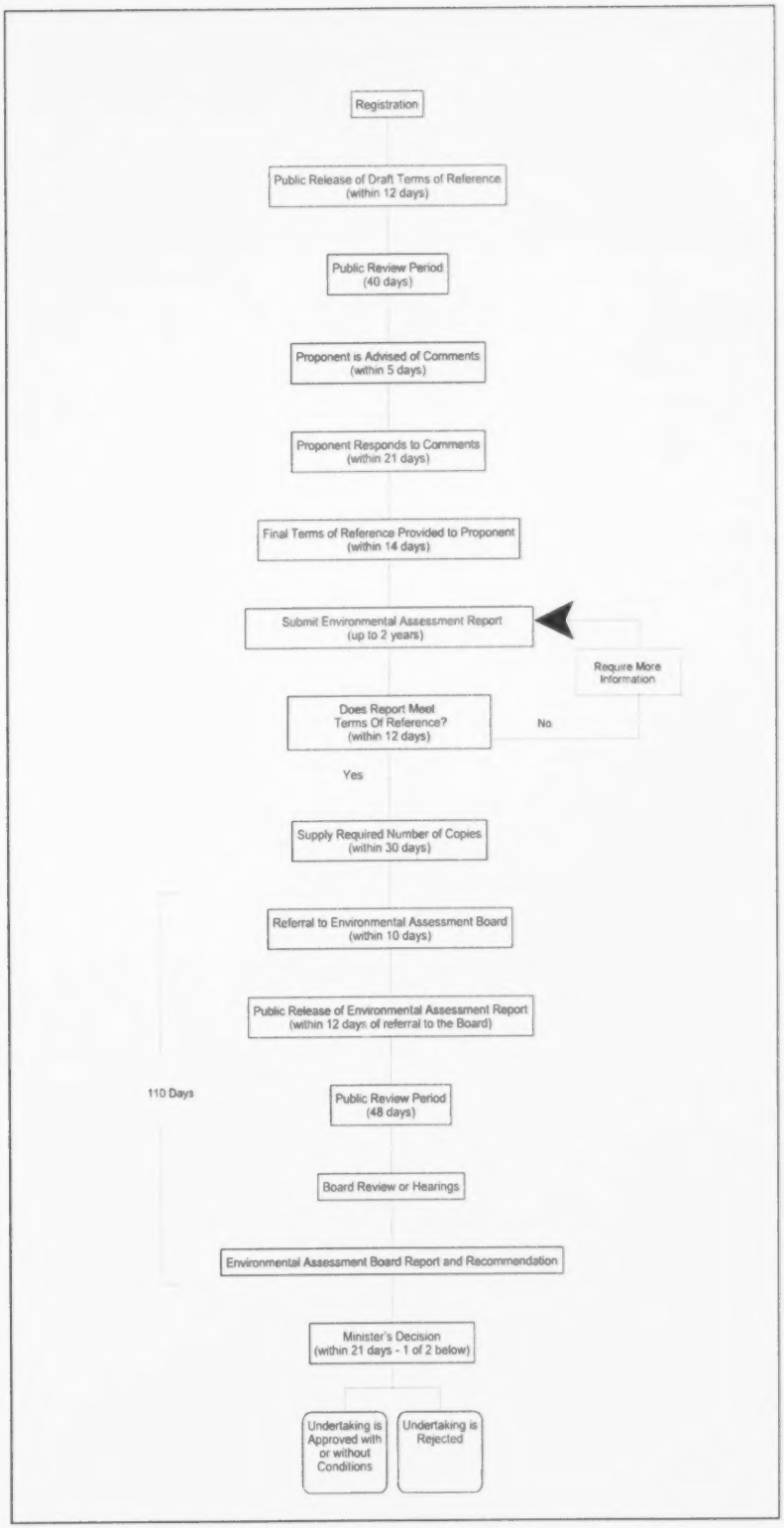
Registration
Public Release of Draft Terms of Reference (within 12 days)
Public Review Period (40 days)
Proponent is Advised of Comments (within 5 days)
Proponent Responds to Comments (within 21 days)
Final Terms of Reference Provided to Proponent (within 14 days)
Submit Environmental Assessment Report (up to 2 years)
Require More Information
Does Report Meet Terms Of Reference? (within 12 days)
No
Yes
Supply Required Number of Copies (within 30 days)
Referral to Environmental Assessment Board (within 10 days)
Public Release of Environmental Assessment Report (within 12 days of referral to the Board)
110 Days
Public Review Period (48 days)
Board Review or Hearings
Environmental Assessment Board Report and Recommendation
Minister's Decision (within 21 days - 1 of 2 below)
Undertaking is Approved with or without Conditions
Undertaking is Rejected

Figure 5: Steps Required During an Environmental Assessment - Class 2

GLOSSARY

Please refer to the Environment Act, Environmental Assessment Regulations and the Environmental Assessment Board Regulations for complete definitions.

Administrator
A person appointed by the Minister for the purposes of the Act, and includes an acting Administrator.

Commence Work
To begin construction or site preparation activity for an undertaking or any part thereof.

Environment
The components of the earth and includes
(i) air, land and water;
(ii) the layers of the atmosphere;
(iii) organic and inorganic matter and living organisms;
(iv) the interacting systems that include components referred to in subclauses (i) to (iii); and
(v) for the purposes of Part IV, the socio-economic, environmental health, cultural and other items referred to in the definition of environmental effect.

Environmental Assessment
A process by which the environmental effects of an undertaking are predicted and evaluated and a subsequent decision is made on the acceptability of the undertaking.

Environmental Assessment Report
A report that presents the results of an environmental assessment.

Environmental Effect
In respect of an undertaking,
(i) any change, whether positive or negative, that the undertaking may cause in the environment, including any effect on socio-economic conditions, on environmental health, physical and cultural heritage or on any structure, site or thing including those of historical, archaeological, paleontological or architectural significance; and
(ii) any change to the undertaking that may be caused by the environment,
whether the change occurs inside or outside the Province.

Focus Report
A report that presents the results of an environmental assessment of a limited range of adverse effects that may be caused by the undertaking.

Hearing
A public hearing or review before the hearing panel.

Hearing Panel
A committee of the Board appointed pursuant to clause 43(a) of the Act to conduct a hearing relating to the environmental assessment of an undertaking.

Minister
The Minister of the Environment & Labour.

Proponent
A person who,
(i) carries out or proposes to carry out an undertaking;
(ii) is the owner or person having care, management or control of an undertaking.

Registration Document
A document that identifies the Proponent and outlines the general characteristics of the undertaking (e.g. location, nature, purpose, schedules, etc.). Proponents have the option to include other information that they feel is necessary.

Terms of Reference
An outline of the information that must be included in a focus report and environmental assessment report.

Undertaking
An enterprise, activity, project, structure, work or proposal and may include, in the opinion of the Minister, a policy, plan or program that has an adverse effect or an environmental effect and may include, in the opinion of the Minister, a modification, extension, abandonment, demolition or rehabilitation as the case may be, of an undertaking.